



House of Representatives

General Assembly

File No. 547

February Session, 2008

Substitute House Bill No. 5033

House of Representatives, April 9, 2008

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SEXUAL OFFENDER NAME CHANGES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-99 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The courts of probate shall have concurrent jurisdiction with the
4 Superior Court, as provided in section 52-11, as amended by this act, to
5 grant a change of name, except a change of name granted in
6 accordance with subsection (a) of section 46b-63, except that no court
7 of probate may issue an order or otherwise allow for the change of
8 name of a person who is required to register with the Commissioner of
9 Public Safety as a sexual offender unless such person complies with
10 the requirements of subdivision (1) of subsection (b) of this section.

11 (b) (1) Any person who is required to register with the
12 Commissioner of Public Safety as a sexual offender who files an
13 application with the Court of Probate for a change of name shall (A)
14 prior to filing such application, notify the Commissioner of Public

15 Safety, on such form as the commissioner may prescribe, that the
16 person intends to file an application for a change of name, indicating
17 the change of name sought, and (B) include with such application a
18 sworn statement that such change of name is not being sought for the
19 purpose of avoiding the legal consequences of a criminal conviction,
20 including, but not limited to, a criminal conviction that requires such
21 person to register as a sexual offender.

22 (2) The Commissioner of Public Safety shall have standing to
23 challenge such person's application for a change of name in the court
24 of probate where such change of name is sought. The commissioner
25 shall challenge the change of name through the Attorney General. The
26 court of probate may deny such person's application for a change of
27 name if the court finds, by a preponderance of the evidence, that the
28 person is applying for such change of name for the purpose of
29 avoiding the legal consequences of a criminal conviction.

30 [(b)] (c) Whenever the court, pursuant to this section, orders a
31 change of name of a person, the court shall notify the Commissioner of
32 Public Safety of the issuance of such order if the court finds that such
33 person is listed in the registry established and maintained pursuant to
34 section 54-257.

35 Sec. 2. Section 52-11 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective from passage*):

37 (a) The superior court in each judicial district shall have jurisdiction
38 of complaints praying for a change of name, brought by any person
39 residing in the judicial district, and may change the name of the
40 complainant, who shall thereafter be known by the name prescribed by
41 said court in its decree, except that no superior court may issue an
42 order or otherwise allow for the change of name of a person who is
43 required to register with the Commissioner of Public Safety as a sexual
44 offender unless such person complies with the requirements of
45 subdivision (1) of subsection (b) of this section.

46 (b) (1) Any person who is required to register with the

47 Commissioner of Public Safety as a sexual offender who files an
 48 application with the Superior Court for a change of name shall (A)
 49 prior to filing such application, notify the Commissioner of Public
 50 Safety, on such form as the commissioner may prescribe, that the
 51 person intends to file an application for a change of name, indicating
 52 the change of name sought, and (B) include with such application a
 53 sworn statement that such change of name is not being sought for the
 54 purpose of avoiding the legal consequences of a criminal conviction,
 55 including, but not limited to, a criminal conviction that requires such
 56 person to register as a sexual offender.

57 (2) The Commissioner of Public Safety shall have standing to
 58 challenge such person's application for a change of name in the
 59 superior court where such change of name is sought. The
 60 commissioner shall challenge the change of name through the
 61 Attorney General. The superior court may deny such person's
 62 application for a change of name if the court finds, by a preponderance
 63 of the evidence, that the person is applying for such change of name
 64 for the purpose of avoiding the legal consequences of a criminal
 65 conviction.

66 [(b)] (c) Whenever the court, pursuant to this section, orders a
 67 change of name of a person, the clerk of the court shall notify the
 68 Commissioner of Public Safety of the issuance of such order if the clerk
 69 finds that such person is listed in the registry established and
 70 maintained pursuant to section 54-257.

| | | |
|-------------------------------------------------------------------------------|---------------------|--------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 45a-99 |
| Sec. 2 | <i>from passage</i> | 52-11 |

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 09 \$ | FY 10 \$ |
|----------------------|---------------------|-------------------|-------------------|
| Probate Court | PCAF - Revenue Loss | Potential Minimal | Potential Minimal |
| Public Safety, Dept. | GF - Cost | Potential | Potential |

Note: PCAF=Probate Court Administration Fund; GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits superior or probate courts from allowing any person required to register as a sex offender from changing their name unless they notify the Commissioner of Public Safety and provide a sworn statement of intent. This would result in a potential minimal¹ revenue loss to the probate courts.

The probate courts handle an average of 2,500 name change applications per year, for which a fee of \$150 per application is collected. It is anticipated that the number of applications this bill would apply to is low and as such any potential revenue loss would be minimal.

The bill also gives the Commissioner of Public Safety standing through the Attorney General to challenge name change applications in the superior and probate courts. To the extent that there are a significant number of challenges to name change applications made by the Department of Public Safety (DPS), there is a potential cost to DPS for overtime and additional staffing for gathering and providing evidence to the Attorney General to present in court.

The Out Years

¹ The Office of Fiscal Analysis defines "minimal" as any amount below \$50,000.

The annualized ongoing cost identified above would continue into the future subject to inflation. The annualized ongoing revenue loss identified above would remain constant into the future as the fee is set by statute.

OLR Bill Analysis**sHB 5033*****AN ACT CONCERNING SEXUAL OFFENDER NAME CHANGES.*****SUMMARY:**

This bill prohibits superior or probate courts from issuing orders or otherwise allowing people required to register as sex offenders to change their names unless the offenders they:

1. notify the public safety commissioner of their intent to seek a name change before filing an application with the court;
2. include in the notice the new name being sought; and
3. include in the application a sworn statement that the change is not being sought to avoid the legal consequences of a criminal conviction, including registration as a sex offender.

The bill gives the commissioner standing, through the attorney general, to challenge the application in the court where the name change is being sought. The court may deny the application if it finds, by a preponderance of the evidence, that the applicant is seeking the name change to avoid the legal consequences of a criminal conviction.

The law, unchanged by the bill, requires people required to register as sex offenders to notify the commissioner of any name change in writing and without undue delay. It also requires the clerk of any court to notify the commissioner whenever the court orders a name change for a person required to register. By law, anyone convicted or found not guilty by reason of mental disease or defect of a criminal offense against a minor, nonviolent sexual offense, sexually violent offense, or felony committed for a sexual purpose must register as a sex offender with the Department of Public Safety.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (03/24/2008)